

REMARK

RCE Application:

A FINAL REJECTION accompanied Examiner's paper 12 mailed on 06/28/04. The Examiner has indicated that a Request for Continuing Examination is appropriate to continue prosecution. This Amendment is accompanying a Request for Continuing Examination.

Status of Claims:

Claims 11-26 were pending at the time of the Examiner mailed her paper 12 and Final Rejection on 06/28/04. Claims 11-18, 25 and 26 stand rejected. Claims 19-24 stand withdrawn from consideration.

Interview with Examiner:

A telephone interview was held on Thursday 09/02/04 at which interview, the Examiner concluded that her principle objection relating to the Bohn reference would be overcome if the input of the Band Pass Filter could be recited as being connected to the buffered input signal in a more direct manner. The output of the input buffer 12 is connected to the inputs of both the all pass phase inverter 18 and the constant Q band pass filter 22, and provides the buffered program signal to each of inverter 18 and filter 22.

Each of the three independent claims, 11, 15 and 18 are amended to recite that the input buffer has an output (or output terminal) and that the input of the band pass filter is connected to the output (or output terminal) of the input buffer to receive the buffered program signal therefrom.

The claims as currently amended are believed to be allowable and allowance is respectfully requested.

New Matter Rejection:

The examiner has indicated that applicant must delete the amendments made on page 11, lines 9-18 (first full paragraph) as such amendments contain new matter.

Applicant has deleted the prior amendments to this paragraph and made the following changes to this paragraph, to clarify errors noted therein. All of the below changes are fully supported by the application as originally filed.

In particular, the first full paragraph on page 11 has been amended with respect to the paragraph as originally filed in the following manner.

Resistor 64 and 66 in series have a first and second terminal. The first terminal of the series combination is connected to terminal 20 to receive the inverted buffered program signal. The first terminal of the series combination is also connected to the inverting input of operational amplifier and to the first terminal of the feed-back resistor 62. The second terminal of the series combination is connected terminal 24 to receive the inverted band pass boosted program signal from the band pass filter.

The above changes are fully supported by the originally filed application. Clearly the output of the all pass phase inverter 18 provides the "inverted buffered program signal" and this output is identified as appearing at terminal 20 as shown in Fig. 2 as originally filed. (See originally filed specification on page 5, third full paragraph). The change in the written description from the number 24 to the number 20 is made to conform the written to the drawings and to other portions of the written description (page 5, third full paragraph), and thus no new matter has been added. Moreover, the labeling of the first and second terminals of the series connected resistors 64 and 66 must be made in conformity with the drawings and written description since they are not labeled in the figures per se. Thus, the changes to the labeling of the first and second ends is made to confirm this part of the description with other portions of the written description and to the drawings. Again, no new matter has been added.

Rejoinder of Claims 19-24:

In paper 12, under "Disposition Of Claims" at line 4, the Examiner shows that claims 19 and 21-24 are withdrawn. Claims 19 and 21 - 24 depended from claim 18. The Examiner did not withdraw claim 18 but rejected claim 18 using 35 U.S.C. 103 using the Bohn reference in combination with Gagon. Claim 18 as currently amended is believed to be allowable and therefore, withdrawn claims 19 - 24 are believed to be allowable if rejoined into the application.

The applicant requests that the Examiner rejoin withdrawn claims 19 and 21 - 24.

Conclusion:

It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

If the examiner should have any questions she may feel free to contact the undersigned at the below telephone numbers.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §~ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated. Otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully Submitted,

James F. Kirk 09/23/04
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